

REVISED

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
TUESDAY, JANUARY 17, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today, January 17, 2006 during the 10:00 a.m. Council meeting.**

The Closed Session will commence immediately following the conclusion of the open session meeting today.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

**CS-1 *SDCERS v. San Diego City Attorney Michael J. Aguirre, et al. more*
San Diego Superior Court Case No. GIC841845**

DCA assigned: A. Donovan

This case was originally filed by SDCERS for declaratory relief regarding whether the City Attorney's office may serve as general counsel for SDCERS. The City Attorney cross-complained against SDCERS for declaratory relief regarding the legality of pension benefits granted under MP I and MP II. In closed session the City Attorney will update the Mayor and Council on the status of the matter.

**CS-2 *City of San Diego v. Callan Associates, Inc., et al.*
San Diego Superior Court Case No. 852419**

DCA assigned: A. Donovan

This is a claim for monetary damages filed on behalf of the City against Callan Associates, Inc., the investment consultant for SDCERS and Gabriel, Roeder Smith, Inc., the SDCERS actuary. Discovery and investigation are ongoing; and initial settlement discussions have commenced between the City and GRS. This case is being handled jointly by the Office of the City Attorney and the outside law firm of Heller Ehrman. In closed session the City Attorney will update the Mayor and Council on the status of the matter and seek additional funding for outside counsel services.

CS-3 *San Diego Police Officers Association v. Michael Aguirre, et al.*
United States District Court No. 05 CV 1581

EACA assigned: D. McGrath

This matter is an action filed by the San Diego Police Officers Association for damages and declaratory relief. In closed session the City Attorney will brief the Council on the status of the matter and seek additional funding for outside counsel services.

CS-4 *Border Business Park v. City of San Diego*
Appellate Case No. D039225; SDSC Case No. GIC 692794
Otay Acquisitions v. City of San Diego
SDSC Case No. GIC 753247
National Enterprises, Inc. v. City of San Diego
SDSC Case Nos. GIC 791407; GIC 805465

EACA assigned: D. McGrath

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego regarding the Border Business Park in Otay Mesa. In closed session the City Attorney will discuss ongoing settlement negotiations and potential settlement offer.